

Senate Bill 8 (Soto)
One-year revolving door ban: extension to locals
Version: Introduced December 6, 2004
Status: Introduced

Summary

Existing law prohibits specified former state officials, and air pollution control district officials, from representing for compensation another person before the governing body of which the official was a former member or employee, for a period of one year after leaving office. This restriction does not currently apply to other local officials. This bill extends the one-year ban to local elected officials, county chief administrative officers, city managers or administrators, and special district general managers or chief administrators.

Recommendation

Staff recommends the Commission adopt a position of “oppose unless amended” to include annual funding of \$168,000.

Background

Government code section 87406, also known as the Milton Marks Postgovernmental Employment Restrictions Act, restricts former members of the Legislature, former elected state officers, former designated state administrative agency employees with specified decision-making authority, and former members of a state administrative agency from representing for compensation another person before the governing body on which they served, within the one-year period after leaving that office or employment position. This is commonly known as the “one-year ban.”

In 1994, section 87406.1 added to that list former members, officers, and specified employees of an air pollution control district or air quality management district and its board.

SB 8 would add yet another section, 87406.3, applying the one-year ban to a local elected official, county chief administrative officer, city manager or administrator, or special district general manager or chief administrator who held a position with a local government agency (as defined by Section 82041).

SB 8 is a reintroduction of language that was in last year’s SB 1351 (2003-04 Legislative Session), with a slightly different approach and list of individuals covered.

Analysis

This bill is consistent with the goals and provisions of the PRA, as other sections of the Act impose the same requirements on local officials as it does on state officials. For example, Chapter 7, which includes section 87406, begins by referencing both state and local public officials in restricting them from using their official positions to influence a decision in which they have financial interests. It is consistent to require the same one-year employment restriction on local public officials as is required of state public officials.

Fiscal Impact

It is estimated that SB 8 will cost the commission \$168,000 in increased workload, based on the estimate from last year's SB 1351. The Technical Assistance Division anticipated that an additional Political Reform Consultant may be needed to handle the additional telephone and written advice workload. The Legal Division estimated an increased workload that would require an additional .33 attorney position to handle the increased regulatory, advice and opinion workload. The Enforcement Division estimated that the increase in the Enforcement workload will mirror the roughly 3-to-1 ratio of local vs. state complaints in the conflict-of-interest arena. These positions, calculated based on mid-range salaries with 28.8% benefits, would total:

• .33 Legal Counsel Position	\$33,000
• .5 Enforcement Counsel Position	\$50,000
• 1 Political Reform Consultant Position	\$75,000
• Clerical support	<u>\$10,000</u>
Total Estimated Costs	\$168,000